

REMARKS

Claims 36, 37, 39-46, 48-54, and 56-60 are pending. Reconsideration of the application is requested.

Allowed Claims

Applicants wish to thank the Examiner for the notification that claims 51-54 and 56-60 are allowed.

§ 102 Rejections

Claims 36-37, 39, 43, 45-46, 48, and 49 are rejected under 35 USC § 102(b) as being anticipated by U.S. Patent No. 2, 896, 618 (Schaefer). The Examiner asserts that, "Schaefer discloses in figures 1-8 a medical treatment article comprising at least one fluid control film component 11 having at least one microstructure-bearing surface (the lower surface of 11), with a plurality of microreplicated channels 13 extending along the surface to permit the transport of fluid between a medical site and A patient, a remote area that includes reservoir 10..."

The Examiner apparently has equated either the perforations 15 of film 11 or the depressed areas 13 of Schaefer with the microreplicated channels of the fluid control film component of the instantaneous application. In either case, the Applicants respectfully disagree that Schaefer has disclosed the fluid control film component as claimed.

The perforations 15 of Schaefer are not equivalent to microreplicated channels. Applicants define a fluid control film as "a film or sheet or layer having at least one major surface comprising a microreplicated pattern capable of manipulating guiding, containing, spontaneously wicking or controlling, a fluid" (page 7, lines 19-21). With respect to the microreplicated channels, Applicants further disclose that the "channels of the present invention are precisely replicated from a predetermined pattern and form a series of individual open capillary channels that extend along a major surface" (page 8, lines 12-16; emphasis added). The present application clearly distinguishes the channels from openings in the film (e.g., perforations) by describing separately "pores or openings in the film to allow the movement of fluid through the fluid control film, e.g., to the other side of the film" (page 30, lines 24-26, emphasis added). Therefore, the perforations

disclosed by Schaefer, which arguably may relate to said “openings” disclosed in the present application, cannot be equated properly with Applicants’ microreplicated channels.

The depressions 13 of Schaefer are also not equivalent to microreplicated channels. Schaefer discloses that, “The absorbent pad, which is best illustrated in Figure 3, is provided with a series of major bosses or ridges 12 separated by depressed areas 13.” (column 2, lines 40-43) Thus, the depressed areas 13 are associated with the structure of the absorbent pad, rather than a microstructure-bearing surface of the film 11. Schaefer further discloses that film 11, “may be any non-water soluble, thin, flexible, lubricious film” (column 2, lines 48-49). The American Heritage Dictionary (Second College Edition, 1982, Houghton Mifflin Company, Boston, MA) defines “lubricious”, as it relates to the Schaefer document, as, “having a slippery or smooth quality” (emphasis added). Thus, Schaefer does not disclose a fluid control film component having at least one microstructure-bearing surface with a plurality of microreplicated channels that extends along the surface. Accordingly, because neither the perforations 15 nor the depressed areas 13 of Schaefer are equivalent to the microreplicated channels of the claimed invention, the film 11 of Schaefer cannot be equated properly with the Applicants’ fluid control film.

In summary, Schaefer does not anticipate claims 36-37, 39, 43, 45-46, 48, and 49. Section 2131 of the MPEP states that, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” The Schaefer document does not disclose, either expressly or inherently, a fluid control film component having at least one microstructure-bearing surface with a plurality of microreplicated channels that extends along the surface and permits transport of fluid between a medical treatment site on a patient or user and a remote area. Therefore, Schaefer does not disclose all of the structural features of the claimed fluid control film.

For at least the reasons discussed above, the rejection of claims 36-37, 39, 43, 45-46, 48, and 49 under 35 USC § 102(b) as being anticipated by Schaefer has been overcome and should be withdrawn.

§ 103 Rejections

Claims 41-42, 44, and 50 are rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 2, 896, 618 (Schaefer). Claims 41-42, 44, and 50 each add additional features to

claim 36. Claim 36 is patentable for the reasons given above. Thus, claims 41-42, 44, and 50 are likewise patentable.

The rejection of claims 41-42, 44, and 50 under 35 USC § 103(a) as being unpatentable over Schaefer has been overcome and should be withdrawn.

In view of the above, it is submitted that the application is in condition for allowance. Examination and reconsideration of the application is requested.

Respectfully submitted,

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